# **EXHIBIT A**

**Operative Report** 

\* Final Report \*



## \* Final Report \*

### Indication for Surgery

This right-handed married 54-year-old Cuban male waste hauling company owner crushed his right fifth finger in his truck rear door this morning. Patient has no aflergies and takes no medication." "

### Preoperative Diagnosis

- 1. Open fracture distal phalanx right third finger, comminuted.
- 2. Extensor tenolysis right third finger distal phalanx insertion.
- 3. Subunqual hernatoma and volar pad hematoma, right third finger.
- 4. 4.0 cm mid-dorsal bursting laceration, eplonychium to proximal middle phalanx.
- 5. Volar pad lacerations 2.5 cm and 1.5 cm.

### Postoperative Diagnosis

- 1. Open fracture distal phalanx right third finger, comminuted.
- 2. Extensor tenolysis right third finger distal phalanx insertion.
- 3. Subunqual hematoma and volar pad hematoma right third finger.
- 4. 4.0 cm mid dorsal bursting laceration, epionychium to proximal middle phalanx.
- 5. Volar pad lacerations 2,5 cm and 1,5 cm.

#### Operation

- 1. Digital block right third finger
- 2. Exsanguinating tourniquet.
- Wound exploration irrigation preparation and drainage of subungual and volar pad hematomas.
- 4. Repair Volar bursting lacerations 0.5 cm and 1.5 cm.
- 5. Joint planing DIP joint in extension with 2-18-gauge pins.
- 6. Extensor tenodesis.
- 7. Fine plastic wound closure volar dorsal wound, 4.0 cm.
- 8. Tourniquet release.
- 9. Occlusive dressings and extreme elevation,

### Surgeon(s)

Robert S. Fischer MD

#### Anesthesia

9.5 cc 1% Xylocaine plain digital block

### Estimated Blood Loss

20 cc

#### **Findings**

This otherwise healthy appearing 54-year-old Cuban male presented with a complex crush injury of the dominant right third finger with a 4 cm longitudinal dorsal bursting wound from the proximal middle phalanx to the eplonychium. The underlying dorsal extensor apparatus is 80% severed from its insertion. There is a subungual hematoma. There are 2 lacerations on the volar aspect of the fingertip pad 2.5 cm and 1.5 cm there is a volar pad hematoma. The wound was bleeding vigorously

#### Specimen(s)

None

### Complications

None

### **Technique**

Printed by: Fischer, MD, Robert S Printed on: 02/19/2019 1:43 PM EST

#### Advance Directive

Advance Directive: No (02/19/19 09:51:00 EST)

### Code Status

No qualifying data available.

Page 1 of 3 (Continued)

### Operative Report

\* Final Report \*



The right hand was prepped with Betadine and saline and peroxide and draped appropriately.

A digital block was accomplished with 9.5 cc of 1% Xylocalne plain.

A latex glove finger was placed on the digit, fenestrated distally and rolled distall to proximal as an exsangulnating tourniquet.

The volar wound was explored and imigated with peroxide and Betadine no foreign bodies were noted. 1

The 2 volar pad wounds were repaired with Interrupted sutures of 5-0 Surgipro blue polypropylene.

The right hand was then pronated and the massive dorsal wound was addressed. Hemostasis was obtained with electrocautery and a second exsangulnating tourniquet was required because of continued bleeding.

The nail plate was fenestrated with the cautery tip to release the subungual hematoma and the voiar pad was fenestrated as well with the cautery tip to allow egress of a bloody collection within the finger pad.

The finger was pinned in extension at the DIP joint with 2-18-gauge pins crisscrossed at approximately the level of the joint.

And extensor tenodesis was done using 3-0 blue Surgipro monofilament, using a Kessler technique and reinforced with a simple sutures of the same. The wound was irrigated with peroxide and Betadine and no foreign bodies were noted.

The wound was then closed with several key sutures of 4-0 Surglpro blue monofilament as locked vertical mattress sutures and interrupted simple sutures of the same and 5-0 blue Surglpro.

The tourniquet at the base of the digit was released and circulation appeared quite adequate.

The finger was dressed with Xeroform gauze, fluff Kerlix, and circumferential wrappings of 3 inch and 4 inch conform stretch dressing applied as an occlusive but non-constrictive bandage and incorporating the index finger.

### Postoperative Care Instructions

Patient will be given prescriptions for Keflex and analgesics. He was instructed to keep the hand elevated no lower than the right ear for the next 4 days after which it may go into a sling which was provided.

Patient will be seen in the office in 1 week for wound care and follow-up.

He is to keep the dressings clean and dry and protected in the shower with a plastic bag while holding it vertically with an elastic about the forearm. His to sleep with it up on 2 pillows in bed.

### Signature Line

Electronically Signed on 02/19/19 01:42 PM

Printed by: Fischer, MD, Robert S Printed on: 02/19/2019 1:43 PM EST Operative Report
\* Final Report \*

T 5051982

Fischer, MD, Robert S

Printed by: Fischer, MD, Robert S Printed on: 02/19/2019 1:43 PM EST

# **EXHIBIT B**

# Robert S Fischer, MD

19-21 Fair Lawn Ave
Fair Lawn, NJ 07410
Tax ID# 221998045
NPI# 1174695001
ASSIGNMENT OF BENEFITS
&
LTD. POWER OF ATTORNEY

I irrevocably assign to you, my medical provider, all of my rights and benefits under my insurance contract for payment for services rendered to me. I authorize you to file insurance claims on my behalf for services rendered to me and this specifically includes filling arbitration/litigation in your name on my behalf against the PIP carrier/health care carrier. I irrevocably authorize you to retain an autorney of your choice on my behalf for collection of your bills. I direct that all reimbursable medical payments go directly to you, my medical provider. I authorize and consent to your acting on my behalf in this regard and in regard to my general health insurance coverage pursuant to the "benefit denial appeals process" as set forth in the NI Administrative Code.

In the event the insurance carrier responsible for making medical payments in this matter does not accept my assignment, or my assignment is challenged or deemed invalid, I execute this limited/special power of attorney and appoint and authorize your collection attorney as my agent and attorney to collect payment for your medical services directly against the carrier in this case, in my name, including filing an arbitration demand or lawsuit. I specifically authorize that attorney to file directly against that carrier in my name or in your name as a medical provider rendering services to me and designate your collection attorney as my attorney in fact. I further grant limited power of attorney to you as my medical provider to receive and collect directly from the insurance carrier money due you for services rendered to me in this matter, and hereby instruct the insurance carrier to pay you directly any monies due you for medical services you rendered to me. I authorize you and or your attorney to receive from my insurer, immediately upon verbal request, all information regarding last payment made by said insurer on my claim, including date of payment and balance of benefits remaining.

I authorize you and or your attorney to obtain medical information regarding my physical condition from any other health care provider, including hospitals, diagnostic centers, etc., and I specifically authorize such health care provider(s) to release all such information to you about me, including medical reports, X-ray reports, narrative reports, and any other report or information regarding my physical condition.

Dated: 337/19

Patient's Signature

Patient's Name (Print)

# EXHIBIT C

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### **HEALTH INSURANCE CLAIM FORM**

SSRGA LAW 270 MADISON AVE RRIER

PROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUC	CC) 02/12			NEW	YORK N	<b>/</b> 100	)16				
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# **EXHIBIT D**

Oxford Health Plans NY Inc UnitedHealthcare - Oxford 4 Research Orive Shelton CT 06484 Phone: 1-800-866-1358







# PROVIDER REMITTANCE ADVICE

CHECK DATE; 05/29/19 Tin: 221998046 VENDOR NAME: ROBERT S FISCHER

CHECK NUMBER: 16994983 CHECK AMOUNT: \$8,466,00

VENDORIO: P1996046-P1998045

NOBERT S FISCHER 1921 FAIR LAWN AVE FAIR LAWN NJ 07410

PATIENT: OTTO MEMMER ID: PATIENT ACCT MUM: 9359,63761 TOTAL TRANSP POS4F05441-01 ROVIDER ID: P3H21948

DATE(S) DESCRIPTION OF SERVICE QTY BELLED AMT PROVIDER IO Providen Hame: TISCHER ROBERT MAXIMUM DEDUCTIBLE COPAY/COL COB AMT WITHHOLD PAYMENT PATIENT AD1 RESP AMT AMOUNT H\$ AMT AME CODE BERVICE EPAIR OF WOURD OR 2719719 \$0.00 \$0.0 200 \$0.00 17 ESKIN(18182) REATT MOFR FRACTURE JOH (26745-58) 00759656 \$7,190.0 46,2400 \$6.240.0 100 90.00 SINGSANIE 02/19/19 DEBRIDE SKNIAT FX STC 300 30.00 \$0.0 84,0 \$0.00 III 18 110105 02/19/19 R DEPART VISIT \$1.955.0 \$1,006,00 50.00 1000 \$1,0250 SUBBARR SOLDURSE SEVER (847-4926) REPAR OF WOUND OR 92/19/19 320 505 0 Soan 30.00 800 30 00 011 LESION RELIGIONS LEARTH SKIN AT IX SITL 02/19/19 \$1,0000 \$1,200.00 30 00 \$0.0 \$1,200,00 SECONALTE 531,375,00 \$8.45800 \$0.0 TOTAL PAYAGE LIO ROWNER

#### Adjustment Code Description

- A31P The maximum amount allowed for this primary procedure has not been reduced based on the multiple procedures policy.
- A31R We have applied the maximum amount allowed for this service. The amount allowed for this service has been reduced based on the multiple procedures policy.
- A79 This claim has been paid at 1,00% of the usual, customary and reasonable allowance for the services provided. Please do not bill the patient above the amount of any co-insurance, co-pay or deductible that is applied to this service. If you have any questions concerning the processing of this claim, contact Provider Services at 800-666-1353.
- D11 This service is not eligible for reimbursement as a separate procedure as it is considered part of the more global precedure that was performed and is therefore considered inclusive.
- D11E This code has been replaced,
- T317 This adjustment code has been applied to indicate that multiple surgical procedures were performed during the same operating session. This claim has been reimbursed in accordance with Oxford's Multiple Surgery policy, which is based upon generally accepted insurance industry standards for reimbursement of multiple surgical procedures. Under this policy, the primary procedure is reimbursed at 100% of the fee schedule (minus any applicable member cost-share). All subsequent procedures are reimbursed at 50% of the fee schedule. The primary surgery has been determined using the Medicare methodology of ralying on the Relative Value Units (RVU). Participating providers may not balance bill the member for this service.

For the above claims please visit www.oxhp.com

# EXHIBIT E



### Freedom Health Associates

"More than a medical billing company, a Partnership" www.freedomhealthassociates.com 1 South Main St. Suite 5 Lodi, NJ-07644 Phone 800-260-2125 Fax 973-246-9561

June 10, 2019

UnitedHealthcare/Oxford Appeals Resolution Team PO Box 29136 Hot Springs, AR 71903

Re:

Tempe Otto

CLAIM#

9054E05441.01

ID#

13787159\*02

DOS:

02/19/2019

### To Whom It May Concern:

I am writing on behalf of Robert S. Fischer, M.D. to address claim adjudication error(s) involving the payment received for services provided by Dr. Fischer to the abovementioned patient. You have incorrectly applied a discount to the claim when there is no contract between our practice and the plan. Also you have incorrectly denied CPT code 13132 for multiple surgical procedure. 13132 was separate procedure.

I am attaching proof of higher payment received for the same type of service(s) to support our request for additional payment and to assist you in stablishing a better UCR rate for the services(s) rendered by the provider.

Since Dr. Fischer is an "out-of-network" provider, he is entitled to payment at his fee-for-service billed rate. We request that you send a corrected EOB to the practice and to the patient along with the additional payment due.

Sincerely,

Agata J Sieron

Freedom Health Associates, LLC Medical Collections Representative

Cc: Callagy Law, P.C.

# EXHIBIT F

## Case 2:19-cy-18915-ES-CLW Document 1-1 Filed 10/11/19 Page 14 of 18 PageID: 20

Coford Health Plans NY Inc. UndedHealthcare - Oxford 4 Research Drive Shelton CT 08484 Phone: 1-800-666-1364







# PROVIDER REMITTANCE ADVICE

CHECK DATE: 07/03/19 TIN: 221996045

VENDOR NAME: ROBERT'S ESCHER

CHECK NUMBER: 17070569 CHECK AMOUNT: \$450.00

VENDORID: Propecas-Presents

ROBERT S FISCHER 1023 FAIR LAWN AVE FAIR LAWN NI 07410

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### Adjustment Code Description

A31P The maximum amount allowed for this primary procedure has not been reduced based on the multiple procedures policy.

A31R We have applied the maximum amount allowed for this service. The amount allowed for this service has been reduced based on the multiple procedures policy.

A79 This claim has been paid at 100% of the usual, customary and reasonable allowance for the services provided. Please do not bill the patient above the amount of any co-insurance, co-pay or deductible that is applied to this service. If you have any questions concerning the processing of this claim, contact Provider Services at 800-666-1353.

D11E This code has been replaced.

This adjustment code has been applied to indicate that multiple surgical procedures were performed during the same operating session. This claim has been reimbursed in accordance with Oxford's Multiple Surgery policy, which is based upon generally accepted insurance industry standards for reimbursement of multiple surgical procedures. Under this policy, the primary procedure is reimbursed at 100% of the fee schedule (minus any applicable member cost-share). All aubsequent procedures are reimbursed at 50% of the fee schedule. The primary surgery has been determined using the Medicare methodology of relying on the Relative Value Units (RVU). Participating providers may not balance bill the member for this service.

### For the above claims please visit www.oxhp.com

TRANCE OBJECTION

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# EXHIBIT G

### Case 2:19-cv-18915-ES-CLW Document 1-1 Filed 10/11/19 Page 17 of 18 PageID: 23



## Freedom Health Associates

"More than a medical billing company, a Partnership" www.freedomhealthassociates.com 1 South Main St.
Suite 5
Lodi, NJ 07644
Phone 800-260-2125
Fax 973-246-9561

August 22, 2019

Oxford Health Insurance Appeals Request Department PO Box 29139 Hot Springs, AR 71903

Re:

Te. Otto

CLAIM#

9054E05441.02

ID#

1378715902

DOS:

2/19/19

To Whom It May Concern:

I am writing on behalf of Robert S. Fischer, M.D. to address claim adjudication error(s) involving the payment received for services provided by Dr. Fischer to the above-mentioned patient. You have substantially underpaid the claim when there is no contract between our practice and the plan. You also originally denied CPT code 13132 for a multiple procedure. 13132 was a separate procedure.

The claim was appealed on the member's behalf and \$450.00 was allowed and paid for 13132. This amount is unsatisfactory. We are submitting a **2nd Level Provider Appeal**.

We are seeking additional payment on the three CPT codes 13132, 26765 and 11010.

In a letter we received from UHC/Oxford dated August 8, 2019 it states UnitedHealthCare uses the FH Benchmarks in determining reasonable and customary charges. Also that this plan uses the 75<sup>th</sup> percentile. I have attached the charges established as reasonable and customary charges by Fair Health in the 75<sup>th</sup> percentile for our geographic area. We are seeking additional payment on the three CPT codes on the Fair Health list that is attached.

You will see for CPT code 13132 there was a payment of \$450.00 Fair Health has it at \$1250.00. For CPT code 26765 there was a payment of \$6420.00 Fair Health has it at more than what was billed and UnitedHealthCare still under paid it. For CPT code 11010 there was a payment of \$1200.00 once again underpaid according to Fair Health Benchmarks.

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# **Freedom Health Associates**

"More than a medical billing company, a Partnership" www.freedomhealthassociates.com

1 South Main St. Suite 5 Lodi, NJ 07644 Phone 800-260-2125 Fax 973-246-9561

Please be advised the service(s) rendered were "EMERGENCY SERVICES" and that the substantial discount that is being applied to the total charges is UNACCEPTABLE.

I am attaching proof of higher payment received for the same type of service(s) to support our request for additional payment and to assist you in establishing a better UCR rate for the service(s) rendered by the provider.

Since Dr. Fischer is an "out-of-network" provider, he is entitled to payment at his fee-for-service billed rate. We request that you send a corrected EOB to the practice and to the patient along with the additional payment due

Sincerely,

Greg Jensen

Freedom Health Associates, LLC Medical Collections Representative